

**REMARKS**

Applicant acknowledges receipt of an Office Action dated March 31, 2008. In this response, Applicant has amended the claims. Support for the claim amendments can be found in the specification as originally filed, *inter alia*, on page 4, lines 15-24 and on page 5, lines 14-29. Claims New claims 10-11 are added. Support for new claims 10-11 may be found in the specification as originally filed, *inter alia*, on page 1, line 35 – page 2, line 14. Following entry of this amendment, claims 1-11 remain pending in the application.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Rejection Under 35 U.S.C. § 102**

On page 2 of the Office Action, the PTO has rejected claims 1-7 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent 6,126,122 to Ismert (hereafter “Ismert”). Applicants traverse this rejection for at least the reasons set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Here, Ismert fails to disclose a holder “wherein each clamping element comprises a pressing face which can be pressed against the end faces, wherein each pressing face comprises two protruding limbs; and wherein each protruding limb comprises holding elements” as recited in claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under § 102.

**Rejection Under 35 U.S.C. § 103**

On page 3 of the Office Action, the PTO has rejected claims 1, 8, and 9 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent 5,601,262 to Wright (hereafter “Wright”). Applicants traverse this rejection for at least the reasons set forth below.

The framework for the objective analysis for determining obviousness under §103 requires:

1. Determining the scope and content of the prior art;
2. Ascertaining the differences between the claimed invention and the prior art;
3. Resolving the level of ordinary skill in the pertinent art; and
4. Considering objective evidence present in the application indicating obviousness

or nonobviousness.

*Teleflex, Inc. v. KSR Int'l Co.*, 127 S. Ct. 1727, 82 USPQ2d 1385 (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

Here, Wright fails to teach or suggest a holder “wherein each clamping element comprises a pressing face which can be pressed against the end faces, wherein each pressing face comprises two protruding limbs; and wherein each protruding limb comprises holding elements” as recited in claim 1.

Rather, Wright discloses a cable locator wherein “one or more cables are enclosed within the cable-receiving channel and held firmly in place by the cover.” Wright, Col. 1, Ins. 53-56. However, Wright does not teach or suggest a holder “wherein each pressing face comprises two protruding limbs; and wherein each protruding limb comprises holding elements” as required by the presently claimed invention.

For at least this reason, Applicants submit that the outstanding rejection based upon Wright has been overcome and ought to be withdrawn.

If an independent claim is nonobvious under § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 2-9, each of which ultimately depends from independent claim 1, are also non-obvious at least by virtue of their dependency from claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 103.

#### **Newly Added Claims**

In this response, Applicants have added claim 10 which depends from claim 1. Applicants believe that claim 10 is allowable by virtue of its dependency claim 1 and also because of the additional features recited in the claim.

Additionally, Applicants have added new independent claim 11. Ismert and Wright, whether taken individually or in combination, fail to disclose, teach, or suggest a holder that "supports the heat exchanger" as recited in new claim 11.

Thus, Applicants believe that the outstanding rejections under 35 U.S.C. § 102(b) and 35 U.S.C. §103(a) do not properly apply to newly added claims 10 and 11.

### CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/30/08

By P.D.S.

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